

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES HAYDEN,)	CASE NO. 1:17CV2635
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	<u>ORDER</u>
)	
2K GAMES, INC., et al.,)	
)	
Defendants.)	

CHRISTOPHER A. BOYKO, J.:

Upon consideration of the parties' Trial Briefs and in preparation for the jury trial of this matter, the Court orders briefing on the election of damages as outlined in 17 U.S.C. § 504.

On or before March 14, 2024 at 2:00 p.m. ET, the parties shall file cross-briefs of no more than five pages addressing the procedural format for the presentation of damages with supporting authorities in the context of Copyright Law. Specifically, what is the timing for the copyright owner to make the election between actual damages and profits (17 U.S.C. § 504(b)) and statutory damages (17 U.S.C. § 504(c))? Further, what determinations are for the jury on evidence adduced at trial and what determinations are for the Court on evidence

and arguments outside the presence of the jury?

IT IS SO ORDERED.

DATE: March 8, 2024

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge